

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SimpleAir, Inc., a Texas corporation,

Plaintiff,

vs.

MICROSOFT CORPORATION, et al.,

Defendants.

Civil Action No. 2:11-cv-00416-DF

Jury Demanded

Plaintiff SimpleAir, Inc.'s Reply to Counterclaims of Defendant Sony Ericsson Mobile Communications (USA) Inc.

Plaintiff SimpleAir, Inc. ("SimpleAir") hereby answers the Counterclaims of Defendant Sony Ericsson Mobile Communications (USA) Inc. ("Sony Ericsson") (Dkt. #29). The paragraphs in this reply are numbered to correspond with the paragraph numbers in Sony Ericsson's Counterclaims; accordingly, the first numbered paragraph is number 1. All of the allegations of the Counterclaims not specifically admitted herein are specifically denied.

JURISDICTION AND VENUE

1. SimpleAir admits the allegations contained in paragraph 1 of Sony Ericsson's Counterclaims.
2. SimpleAir admits the allegations contained in paragraph 2 of Sony Ericsson's Counterclaims.
3. SimpleAir admits the allegations contained in paragraph 3 of Sony Ericsson's Counterclaims.

THE PARTIES

4. Upon information and belief, SimpleAir admits the allegations contained in paragraph 4 of Sony Ericsson's Counterclaims.

5. SimpleAir admits the allegations contained in paragraph 5 of Sony Ericsson's Counterclaims.

FIRST COUNTERCLAIM (Declaratory Judgment of Non-Infringement)

6. SimpleAir interprets "the foregoing paragraphs" to refer to paragraphs 1-5 of Sony Ericsson's Counterclaims and incorporates by reference its response to the allegations set forth in those paragraphs in response to paragraph 6 of the Counterclaims.

7. SimpleAir admits the allegations contained in paragraph 7 of Sony Ericsson's Counterclaims.

8. SimpleAir admits that its Complaint alleges that Sony Ericsson has infringed the '914 and '433 patents. SimpleAir denies the remaining allegations contained in paragraph 8 of Sony Ericsson's Counterclaims.

9. SimpleAir admits that Sony Ericsson denies in its Answer and Counterclaims that it has infringed the '914 or '433 patent. SimpleAir denies the remaining allegations contained in paragraph 9 of Sony Ericsson's Counterclaims.

10. SimpleAir admits that Sony Ericsson seeks a judicial declaration of non-infringement of the '914 and '433 patents. SimpleAir denies the remaining allegations contained in paragraph 10 of Sony Ericsson's Counterclaims.

11. SimpleAir admits that there exists an actual controversy between SimpleAir and Sony Ericsson with respect to the '914 and '433 patents. SimpleAir denies the remaining allegations contained in paragraph 11 of Sony Ericsson's Counterclaims.

SECOND COUNTERCLAIM
(Declaratory Judgment of Invalidity)

12. SimpleAir interprets “the foregoing paragraphs” to refer to paragraphs 1-11 of Sony Ericsson’s Counterclaims and incorporates by reference its response to the allegations set forth in those paragraphs in response to paragraph 12 of the Counterclaims.

13. SimpleAir denies the allegations contained in paragraph 13 of Sony Ericsson’s Counterclaims.

14. SimpleAir admits that Sony Ericsson seeks a judicial declaration that the ‘914 and ‘433 patents are invalid and/or void. SimpleAir denies the remaining allegations contained in paragraph 14 of Sony Ericsson’s Counterclaims.

PRAYER FOR RELIEF

SimpleAir denies that Sony Ericsson is entitled to the relief it seeks or any relief for the allegations made in its Answer or Counterclaims. SimpleAir requests that judgment be entered in its favor on all issues and that it be awarded the relief requested by its Complaint.

JURY DEMAND

SimpleAir demands trial by jury of all issues.

Dated: November 28, 2011

Respectfully submitted,

By: /s/ Jeff Eichmann
John Jeffrey Eichmann
CA State Bar no. 227472
(admitted to practice before the U.S. District
Court for the Eastern District of Texas)
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069
Email: jeff@dovellaw.com

S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@mailbmc.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@mailbmc.com
Capshaw DeRieux LLP
114 E. Commerce
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

ATTORNEYS FOR PLAINTIFF
SIMPLEAIR, INC.

Certificate of Service

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all parties not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 28th day of November, 2011.

/s/ Jeff Eichmann
John Jeffrey Eichmann